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Attorneys for Defendant United Parcel Service, Inc. (Ohio)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MYA MONTGOMERY, an individual,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC., a foreign
Delaware Corporation, DOES 1-20, inclusive,

Defendant.

Case No.: 2:25-cv-00151-APG-MDC

**DEFENDANT’S PROPOSED ORDER TO
EXTEND DISCOVERY**

(SECOND REQUEST)

Pursuant to Federal Rule of Civil Procedure 26(f), and District of Nevada Civil Local Rules, 6-1 and 26-3 and for good cause described herein, Defendant United Parcel Service (Ohio) (“Defendant”), by and through its counsel of record, hereby requests this Court to adopt and approve this proposed extension to the discovery plan, and continue the discovery, dispositive motion, and joint pre-trial order deadlines for 30 days as requested herein:

1 **I. LOCAL RULE 6-1 IS SATISFIED**

2 This is the second request for an extension of discovery deadlines filed by the parties. Pursuant to
3 the Order dated July 7, 2025, (ECF No. 22), the following dates govern for purposes of discovery:

- 4 1. Discovery Cutoff Date: October 21, 2025
5 2. Dispositive Motions: November 20, 2025
6 3. Joint Pre-Trial Order: December 22, 2025

7 Defendant has been diligently pursuing discovery on all aspects of the case. After exchanging
8 written discovery and multiple volumes of document production, Defendant sought Plaintiff's deposition.
9 Defendant requested Plaintiff's deposition multiple times, both through her prior counsel of record and
10 following her prior counsel's withdrawal motion on July 22, 2025. Having not received any availability
11 from Plaintiff for a protracted period despite multiple attempts, Defendant proceeded to notice Plaintiff's
12 deposition unilaterally.

13 Defendant served its Notice to Take Oral and Videotaped Deposition of Plaintiff via Zoom on
14 September 17, 2025, which set her deposition for October 9, 2025. This Notice was sent via certified mail,
15 regular mail, and email. Defendant also provided Plaintiff notifications of and reminders for the deposition
16 on October 6, 2025 and October 8, 2025. Defendant never received a notice from Plaintiff that she was
17 still seeking counsel and that October 9, 2025 might not work for any reason, that is until less than an hour
18 before Plaintiff's scheduled deposition.

19 Both parties accordingly appeared via Zoom on October 9, 2025 and proceeded briefly. However,
20 Plaintiff, representing herself pro se at this juncture, explained on the record that she has had a family
21 emergency and has not had time to retain new counsel since her prior counsel's Motion to Withdraw on
22 July 22, 2025. As a result, Plaintiff requested additional time to seek to retain new counsel of record before
23 moving forward with her deposition. She stated on the record that she will provide notification to
24 Defendant's counsel within the next two weeks (or by October 23, 2025), as to whether she has been able
25 to retain counsel. Whether or not she ultimately retains counsel, she also attested she will provide dates
26 within two weeks thereafter (by November 6, 2025) as to her availability to move forward with a continued
27 installment of her deposition.

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Therefore, Defendant respectfully requests a 30-day extension of the remaining discovery, dispositive motion, and joint pre-trial order deadlines.

The instant request comports with Local Rule 6-1, in that—although the request is being made after the expiration of the specified period—there is good cause to do so as the extension request was unforeseeable given Plaintiff's family emergency.

II. LOCAL RULE 26-3 IS SATISFIED

The instant request to extend the remaining deadlines satisfies the requisites of Local Rule 26-3. This request, although made less than 21 days from the subject deadline, is supported by a showing of good cause. Plaintiff's family emergency was unforeseeable and unavoidable, and she respectfully requested a brief extension, which Defendant was willing to accommodate.

Defendant asserts that the request is made in good faith and will allow for Plaintiff's deposition to be completed before the upcoming proposed deadlines. As a result, Defendant has requested the remaining deadlines be extended by 30 days.

Discovery Completed:

DISCOVERY	DATE SERVED
Plaintiff's Initial Disclosures	February 24, 2025
Defendant's Initial Disclosures	February 24, 2025
Plaintiff's First Set of Requests for Admission to UNITED PARCEL SERVICE, INC.	March 28, 2025
Plaintiff's First Set of Requests for Production to UNITED PARCEL SERVICE, INC.	March 28, 2025
Plaintiff's First Set of Interrogatories to UNITED PARCEL SERVICE, INC.	March 28, 2025
UNITED PARCEL SERVICE'S First Set of Interrogatories and Requests for Production to Plaintiff	March 28, 2025
UNITED PARCEL SERVICE'S Response to Plaintiff's First Set of Requests for Admission	May 28, 2025
UNITED PARCEL SERVICE'S Response to Plaintiff's First Set of Requests for Production	May 28, 2025
UNITED PARCEL SERVICE'S Response to Plaintiff's First Set of Requests of Interrogatories	May 28, 2025

Plaintiff's Response to UNITED PARCEL SERVICE'S First Set of Interrogatories and Requests for Production to Plaintiff	May 28, 2025
Plaintiff's First Supplemental Disclosure of Documents and Witnesses Pursuant to F.R.C.P. 26(a)(1)	May 28, 2025

The parties have also exchanged multiple volumes of document production each, including on February 24, 2025, May 22, 2025, May 28, 2025, July 11, 2025, July 17, 2025. The parties previously also conducted several meet and confers, and they exchanged multiple letters, emails, phone calls, and text messages in order to set Plaintiff's deposition.

Discovery Remaining:

1. Plaintiff's deposition.

Proposed Schedule for Completing All Remaining Discovery:

Finally, under Local Rule 26(4), it is necessary to articulate a proposed schedule for completing all remaining discovery. The parties are requesting an additional 30 days be afforded for discovery.

The following deadlines are requested.

- | | |
|---------------------------|------------------------------|
| 1. Discovery Cutoff Date: | November 20, 2025 |
| 2. Dispositive Motions: | December 22, 2025 (next day) |
| 3. Joint Pre-Trial Order: | January 21, 2026 |

IT IS SO ORDERED:

Defendant has shown good cause for the requested extension. Additionally, the plaintiff did not oppose the motion, which the court construes as plaintiff's consent to granting the motion per LR 7-2(d). That rule states: "The failure of a moving party to file points and authorities in support of the motion constitutes a consent to the denial of the motion. The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion"

UNITED STATES MAGISTRATE JUDGE
11/5/25

CASE NO.: 2:24-cv-01561-RFB-MDC

DATED this 17th day of October 2025.

SCHMOYER REINHARD LLP

By: /s/ Lauren C. Howell
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- and -

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Attorneys for Defendant

CERTIFICATE OF CONFERENCE

I, Lauren C. Howell, certify that I conferred with Plaintiff regarding a jointly submitted Stipulated Agreed Order to Extend Discovery. Following her deposition, I communicated with Plaintiff multiple times in an attempt to obtain Plaintiff's agreement and file this submission jointly. On October 17, 2025, however, Plaintiff stated for the first time that she would be unable to agree to the Stipulated Agreed Order to Extend Discovery. Despite multiple subsequent exchanges with Plaintiff, Defendant's Counsel is still unclear as to why Plaintiff will not stipulate to extend discovery in this motion, and Plaintiff has not provided any proposed changes that would render it agreeable to her.

/s/ Lauren C. Howell
Lauren C. Howell

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the foregoing **DEFENDANT'S PROPOSED ORDER TO EXTEND DISCOVERY (SECOND REQUEST)** to the Clerk's Office using the CM/ECF System for filing, as well as to pro se Plaintiff via regular mail, e-mail, and certified mail, return receipt requested:

Mya Montgomery
5516 Heron Avenue
Las Vegas, Nevada 89107
Tel: (916) 829-6313
MsMontgomery08@gmail.com

DATED this 17th day of October 2025.

/s/ Lauren C. Howell
Lauren C. Howell